

AO 91 (Rev. 11/11) Criminal Complaint

~~United States District Court~~
~~Southern District of Texas~~
FILED
 UNITED STATES DISTRICT COURT

for the
 Southern District of Texas

OCT 15 2015

Clerk of Court

United States of America

v.

Case No.

Carlos B. Martinez

M-15-

1805-M

(Related: M-15-1654-M)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 15, 2014 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2252A (a)(2)(A)

Receipt and distribution of Child Pornography

This criminal complaint is based on these facts:

Please see Attachment "A"

☒ Continued on the attached sheet.

Approved to file

AUSA

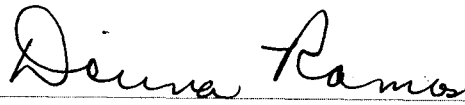
Sworn to before me and signed in my presence.

Date: 10/15/2015City and state: McAllen, Texas


Complainant's signature

Truong T. Nguyen, Special Agent, FBI

Printed name and title



Judge's signature

Hon. Dorina Ramos, U.S. Magistrate Judge

Printed name and title

Attachment "A"

Through an investigation conducted by the FBI, Special Agents with the FBI executed a federal search warrant at the residence of Carlos Martinez (hereinafter referred to as "MARTINEZ") in Edinburg, Texas, on September 29, 2015. Information previously obtained by the agents led them to believe that MARTINEZ had sent an email from his email account to a recipient located in Worcester, Massachusetts. The investigation revealed that the email contained 11 images, several of which depicted prepubescent boys engaged in various sex acts and lasciviously exhibiting their genitals. One of the images depicts a prepubescent child lasciviously exhibiting his genitals. The boy in the picture is completely nude and the picture was taken from under and behind him exposing his genitalia. Another image depicts two prepubescent boys engaged in actual or simulated sexual intercourse (oral sex) with each other. These images meet the statutory definition of child pornography, as defined in Title 18 United States Code § 2256.

On October 14, 2015, MARTINEZ was interviewed by FBI agents and was advised of his *Miranda* rights. MARTINEZ stated that he understood his rights and agreed to waive them. During the interview, MARTINEZ admitted to sending emails which contained images of child pornography intended for a recipient located in Worcester, Massachusetts. MARTINEZ further admitted to receiving child pornography material using "Google Plus" (a social website) and "Kik App" (an instant messaging application). MARTINEZ stated the he knew it was illegal to send and receive child pornography.